The Intersection of Intellectual Property Law and Bankruptcy Law

Description: This lesson examines the complex issues that arise from the intersection of intellectual property law and bankruptcy law, and their wide-reaching implications for intellectual property litigation, licensing, and asset sales.

This lesson is led by two experts on the topic, Eric Winston (Partner) and Robert Hill (Associate) of Quinn Emanuel Urquhart & Sullivan LLP, and focuses on the risks and opportunities to both debtors and non-debtors when intellectual property litigation, licensing, or asset sales occur in the context of an actual or possible bankruptcy.

In this 60-minute session, you will learn:
- Fundamental aspects of the US Bankruptcy Code and its effects on debtors and creditors.
- How “intellectual property” is defined and treated in the US bankruptcy Code, and the important and sometimes surprising effects of the Code on intellectual property licensing.
- How licensing considerations vary depending on whether the debtor is licensor or licensee, and the important effects of Circuit splits and international considerations on the treatment of licenses.
- Proposed changes to the US Bankruptcy Code related to intellectual property issues.
- Critical considerations for intellectual property litigation in the context of bankruptcy, including a discussion of the differing treatment of pre- and post-petition claims.
- Special issues related to the sale of intellectual property assets in the context of bankruptcy.
- Practical "Do's and Don'ts" to help you or your client minimize risks and maximize opportunities when faced with issues at the intersection of intellectual property and bankruptcy law.


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